

### **REMARKS**

Claims 1-4, 6, 7, 9-11, and 14-19 are pending in the application. Claims 1-4, 10, and 11 have been allowed. Therefore, claims 6, 7, 9, and 14-19 are at issue.

The courteous telephonic interview granted by Examiner Pepitone to applicants' undersigned attorney on January 20, 2010 is hereby noted with appreciation. During the interview, the objection to claims 6, 7, 9, and 14-19 and a proposed response to the Office Action were discussed. The examiner indicated that this response should be favorably considered.

The sole issue remaining in the application is an objection to claims 6, 7, 9, and 14-19 under 37 C.F.R. §1.75(c) based on a contention that these claims are of improper dependent for failing to limit the subject matter of a previous claim. In view of the amendments to the claims and the remarks herein, it is submitted that this objection should be withdrawn.

With respect to claims 6 and 7, these claims have been rewritten into independent form, thereby rendering the objection to these claims moot.

With respect to claims 9 and 14-19, it is submitted that these claims do further limit the subject matter of the claims from which they depend.

In particular, for claim 9, the further limitation of including the swellable-hydrogel forming polymer of claim 6 in a hygiene article is recited. Similarly, for claims 17-19, again the further limitation of including the swellable-hydrogel forming polymer of claims 14, 15, and 16, respectively, in a hygiene article is recited.

For claims 14-16, the further limitation of copolymerizing an ester of general formula (I) of claims 2, 3, and 4, respectively, into a swellable hydrogel-forming polymer is recited.

From the above, it can be seen that in each case the objected to dependent

claim recites an additional element (i.e., swellable hydrogel-forming polymer or hygiene article, and therefore necessarily further limits the claim from which each depends.

It is submitted therefore that that the objection to claims 9 and 14-19 under 37 C.F.R. §1.75(c) should be withdrawn.

Because all outstanding issues have been resolved, it is submitted that pending claims 6, 7, 9, and 10-14, like previously allowed claims 1-4, 10, and 11, are in a form and scope for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

Dated: January 21, 2010

Respectfully submitted,

By 

James J. Napoli

Registration No.: 32,361  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant